

Rep. Berry, Hills. 44  
Rep. See, Merr. 26  
Rep. Harvey-Bolia, Belk. 3  
Rep. Wherry, Hills. 13  
Rep. Wood, Merr. 13  
Rep. Burnham, Straf. 2  
Rep. Aures, Merr. 13  
Rep. Prudhomme-O'Brien, Rock. 13  
Rep. Guzofski, Rock. 1  
Rep. Qualey, Ches. 18  
May 5, 2026  
2026-1833h  
07/05

Amendment to SB 438

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to access to the centralized voter registration database on election days.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Department of State; Centralized Voter Registration Records. Amend RSA 654:12, VI to read  
8 as follows:

9 VI. The department of state shall provide access to data from centralized voter registration  
10 records, records from the department of safety, and New Hampshire vital records provided in  
11 accordance with RSA 654:45 to assist voters in providing proof of citizenship, age, domicile, and  
12 identity to the city and town clerks. The secretary of state shall work with the city and town clerks  
13 to ensure *direct or indirect* access on election day at the polling location *to the statewide*  
14 *centralized voter registration database on each state, local, and federal election day*  
15 *during the operating hours of that polling place*. If proof of age, citizenship, domicile, or  
16 identity information of a voter is provided pursuant to this section, it shall satisfy that registration  
17 requirement for that qualification. Absence of data shall not disqualify a person. It shall be the  
18 applicant's responsibility to provide appropriate additional proof of their qualifications as required  
19 by this chapter.

20 2 Centralized Voter Registration Database. Amend RSA 654:45 to read as follows:

21 654:45 Centralized Voter Registration Database.

22 I.(a) The secretary of state [~~is authorized to~~] **shall** plan, develop, equip, establish, site, and  
23 maintain a statewide centralized voter registration database and communications system,  
24 hereinafter referred to as the voter database, connecting users throughout the state. The voter  
25 database shall include the current information on the voter registration forms, the accepted absentee  
26 ballot applications, the voter checklists, and voter actions as recorded on the marked checklist

**Amendment to SB 438**

**- Page 2 -**

1 maintained by each city, ward, and town in the state. The database shall maintain addresses in  
2 accordance with United States Postal Service standardized addresses as described in the current  
3 USPS Publication 28.

4 (b) The secretary of state shall provide for a verification process that voters sharing a  
5 place and date of birth, along with a substantially similar name to include nicknames or likely  
6 maiden/married name changes, are unique voters. Should any voter appear to be a duplicate, that  
7 information shall be forwarded to the supervisors of the checklist of the cities or towns involved for  
8 review and confirmation. The supervisor of the checklist shall notify the secretary of state of the  
9 result of such review, and should the records show that a single individual may have voted more  
10 than once in any election such information shall be forwarded to the attorney general for further  
11 investigation or prosecution.

12 II. Any election official in the state authorized by this chapter to have direct access to the  
13 voter database may obtain immediate electronic access to the information contained in the voter  
14 database related to individuals registered or registering to vote in the election official's jurisdiction.  
15 The office of the clerk is hereby designated as a database access point for each town or city. The  
16 secretary of state may authorize additional database access points in a town or city, including  
17 election day access points at polling places *during the operational hours of the polling place*.

18 III. The voter database shall, upon certification by the secretary of state, be the official  
19 record of eligible voters for the conduct of all elections held in this state.

20 IV.(a) The voter database shall have the following minimum components:

21 (1) An electronic communications system that provides access for election officials  
22 from at least one point in each city and town within the state.

23 (2) An interactive computer program allowing local election officials access to records  
24 contained in the database with a process to add, delete, modify, or print a voter registration record  
25 related to the election official's jurisdiction. The system shall be designed so that there can be  
26 regular updates to the database, the records reflect the name of each registered voter with no  
27 duplication, and the names of ineligible voters are removed. The system shall contain safeguards to  
28 ensure that the names of properly registered voters are not removed in error.

29 (b) Voter database record data shall be verified by matching the records with those of  
30 the department of safety and the federal Social Security Administration as are required by law, and  
31 with the records of the state agency or division charged with maintaining vital records. For this  
32 purpose the voter registration record database [~~may~~] *shall* be linked to the state agency or division  
33 charged with maintaining vital records and the department of safety, provided that no linked agency  
34 or division may save or retain voter information or use it for purposes other than verifying the  
35 accuracy of the information to be entered or contained in the voter database. The link authorized by  
36 this subparagraph shall not allow the department of state or election officials direct access to the  
37 motor vehicle registration or driver's license records maintained by the division of motor vehicles;

Amendment to SB 438

- Page 3 -

1 provided that such link shall authorize the department of state to identify voter records with out-of-  
2 state driver's license information where the record cannot be matched to an in-state driver's license  
3 obtained within the deadline provided in RSA 263:35. The secretary of state shall  
4 ~~[authorize]~~ **provide, via a secure electronic transmission,** the release of information from the  
5 voter database necessary for the department of safety to notify an individual pursuant to RSA  
6 263:35, II. The commissioner of safety ~~[may authorize the release of]~~ **shall provide, via a secure**  
7 **electronic transmission,** information from motor vehicle registration and driver's license records  
8 to the extent that the information is necessary to department of state and department of safety  
9 cooperation in a joint notification to individuals of apparent discrepancies in their records to the  
10 extent that the information is necessary to resolve those discrepancies or to complete voter  
11 registration. The commissioner of safety and the secretary of state ~~[are authorized to]~~ **shall** enter  
12 into an agreement that establishes the services to be provided by the department of safety and the  
13 cost for those services. ~~[The department of safety shall not be required to provide any services under~~  
14 ~~this subparagraph unless an agreement is in place and there are sufficient funds in the election fund~~  
15 ~~to pay the cost for the services.]~~ The system shall facilitate the completion, identification, and  
16 correction of voter registration records, including but not limited to when a registered voter has died  
17 or has been disenfranchised pursuant to part I, article 11 of the New Hampshire constitution or RSA  
18 654:5 through RSA 654:6, or when the domicile address does not match the address provided by the  
19 same individual to the department of safety or to verify citizenship for voter registration.

20 (c) Access by local election officials to the voter database shall be limited to the  
21 supervisors of the checklist, city registrars and deputy registrars, and town or city clerks and their  
22 deputies, as determined by the secretary of state. Access by local election officials shall be subject to  
23 the limitations of paragraph VI, and shall be limited to the records of individuals who are currently  
24 registered to vote in the official's jurisdiction and individuals who are applying to register to vote in  
25 the official's jurisdiction.

26 (d) Beginning July 1, 2022, the secretary of state shall, no less than annually, cause  
27 voter records to be checked with the United States Postal Service for changes of address. All records  
28 identified as moving shall be provided to the city or town supervisors of the checklist for verification  
29 pursuant to RSA 654:39, III.

30 V. The secretary of state shall:

31 (a) Specify the employees of the department of state authorized to access records  
32 contained in the voter database, subject to the limitations of paragraph VI.

33 (b) Provide adequate technological security measures to deter unauthorized access to the  
34 records contained in the voter database.

35 (c) Issue guidelines to implement the voter database.

36 VI. The voter database shall be private and confidential and shall not be subject to RSA 91-  
37 A and RSA 654:31, nor shall it or any of the information contained therein be disclosed pursuant to a

Amendment to SB 438

- Page 4 -

1 subpoena or civil litigation discovery request. The secretary of state is authorized to provide voter  
2 database record data to the administrative office of the courts to assist in the preparation of master  
3 jury lists pursuant to RSA 500-A and to the clerk of the District Court of the United States for the  
4 District of New Hampshire to assist in the preparation of federal court jury lists. The voter checklist  
5 for a town or city shall be available pursuant to RSA 654:31. Any person who discloses information  
6 from the voter database in any manner not authorized by this section shall be guilty of a  
7 misdemeanor.

8 VII. The city and town clerk shall enter, maintain, and keep up to date election official  
9 contact information and polling place information as determined by the secretary of state in the  
10 statewide centralized voter registration database for use by the secretary of state in effecting  
11 election laws.

12 VIII.(a) The secretary of state may enter into an agreement to share voter information or  
13 data from the statewide centralized voter registration database for the purpose of comparing  
14 duplicate voter information with other states or groups of states. The secretary of state shall only  
15 provide information that is necessary for matching duplicate voter information with other states and  
16 shall take precautions to make sure that information in the database is secure in a manner  
17 consistent with RSA 654:45, VI. The secretary of state ~~may~~ **shall** solicit input from the  
18 department of safety and the department of information technology and shall ensure that any  
19 information or data shared between the agencies that is of a confidential nature remains  
20 confidential.

21 (b) The secretary of state shall investigate any duplicate matches of voters resulting  
22 from any comparisons of the statewide centralized voter registration database with other states. If  
23 the investigation results in the inability to confirm the eligibility of a person or persons who voted, or  
24 there is reason to believe a person or persons voted who were not eligible, the secretary of state shall  
25 forward the results to the attorney general for further investigation or prosecution.

26 (c) Upon completion of any investigation authorized under RSA 654:45, VIII(b), the  
27 attorney general and the secretary of state shall forward a report summarizing the results of the  
28 investigation to the speaker of the house of representatives, the president of the senate, **the**  
29 **majority and minority leaders of the house of representatives and the senate**, and the  
30 chairpersons of the appropriate house and senate standing committees with jurisdiction over election  
31 law.

32 IX. [Repealed.]

33 3 New Paragraph; Motor Vehicles; Records and Certification. Amend RSA 260:14 by inserting  
34 after paragraph III-e the following new paragraph:

35 III-f. Motor vehicle records relevant to voter registration shall be provided to the secretary of  
36 state pursuant to RSA 654:45. These records may be further transferred by the secretary of state or

**Amendment to SB 438**

**- Page 5 -**

- 1 otherwise made available by the secretary of state to city or town clerks, supervisors of the checklist,
- 2 or other election officials for purposes of voter registration.
- 3       4 Effective Date. This act shall take effect July 30, 2026.

**Amendment to SB 438**  
**- Page 6 -**

2026-1833h

AMENDED ANALYSIS

This bill requires the secretary of state, town, and city clerks to ensure that each polling place in the state has access to the statewide centralized voter registration database on each state, local, and federal election day during the operating hours of that polling place.